

Cause No. CV 23-07-542

(to be set by Clerk)

FILED

9:43 AM

PM

JUL 26 2023

In the 27th St
DISTRICT CLERK WISE COUNTY, TX
BY RECIA BIGGERSTAFF
DEPUTYRogelio Regalado,
Plaintiff

v.

Management and Training
Corporation, et. al ("MTC")Wise County, TexasPlaintiff's Original Petition

To the Honorable Judge of Said Court:

Comes Now, Rogelio Regalado, the Plaintiff and in support of this
Petition Shows the following:I. Background Facts

1.2. I was housed at the Bridgeport Correctional Facility, which is
 ran by the Management and Training Corporation beginning on
 or about February 21, 2023. Upon arriving I was assigned the
 job of Machine Operator in the Laundry Department from
 6:00 a.m. - 2:00 p.m. (Monday-Friday). My supervisor was Ms. Rembert
 an employee of MTC.

1.2. My first day on the job on or about 02/24/23 I was
 told I had first complete a Safety Training / Hazardous
 Chemical Handling Test before performing any job duties, which
 I agreed to do. However, before I could complete the Safety
 Training, Ms. Rembert ordered me to perform different job
 assignments that involved handling chemicals, such as
 loading the washing machine and adding cleaning agents,
 wiping down counters with germicidal liquid and using
 Bippy / Sanitizers / Bleach Agents to mop the floor.
 (1 of 5)

1.3. Also, instead of being asked to work my assigned hours, which was from 6:00 a.m. until 2:00 p.m., I was told to report to work at 3:00 a.m. and was forced to work 12-14 hours a day. Moreover, I was ordered to perform various job functions that were not within my assigned job duties, such as Clerical jobs (Clerk I), sorting and folding clothes (Sorter/Folder), and janitorial duties (Janitor), although these were not my assigned job duties.

1.4. For the first few days I did as I was told because I was scared to object to the long hours, and being forced to do other job duties outside of the scope of my assigned duties. Also, I was never allowed to complete the safety training / hazard chemical handling training.

1.5. After a week or so, I began to experience rashing from the chemical handling and began to experience fatigue and cramps in my feet and legs from standing up for long hours. I told Ms. Rembert that I was having rashing but she did not seem to think it was important. One day, my feet were hurting and I sat down to take a break because my legs were hurting and she told me to keep working. This happened on or about March 6, 2023.

1.6. Finally, one day I went to medical department to seek treatment. I was evaluated and given a 3-day medical pass because of the rashing on my arms / legs and pain/crampling on my legs. (2 of 5)

- 1.7. After the 3-day Medical Rest Pass I returned to work. I was again asked to perform various job duties and to handle hazardous chemicals. I told Ms. Rembert about my rash and that I shouldn't be handling any chemicals or irritants because it would aggravate my medical issues I had been having. However, even though I was never allowed to complete my safety training I was again ordered to work using the dangerous chemicals and irritants.
- 1.8. In addition, I was asked to perform the same duties as before, which were duties outside of my job assignment. I was still required to work from 3:00 a.m. until 3:00 p.m. (Monday-Friday) in excess of my normal hours.
- 1.9. Finally, I told Ms. Rembert I wasn't able to continue putting myself at risk and that I was being asked to do job duties that I wasn't safety trained for. On or about March 12, 2023, Ms. Rembert retaliated against me because I went to the Medical Department and again was given a 3-day Medical Pass for the same symptoms.

II. Venue and Jurisdiction

- 2.1. The subject matter is within the jurisdiction of this court.
- 2.2. Venue is proper in this County because all of the events that gave rise to this claim arose here.
(3 of 5)

III. Parties and Service

- 3.1. Plaintiff, Rogelio Regalado, is an individual, residing at Carol Vance Unit, 2 Jester Road, Richmond, Texas, 77406.
- 3.2. Defendant, Management and Training Corporation, a Utah Corporation, operating and doing business in Texas, may be served at its principal office in 500 North Marketplace Drive, Centerville, Utah, 84014.
- 3.3. Defendant, Jane Doe #1 (known to me as Ms. Rembert), in her individual and official capacity, may be served at her place of employment, Bridgeport Correctional Center, 4000 North 10th Street, Bridgeport, Texas, 76426.
- 3.4. Defendant, Jane Doe #2 (known to me as Warden Thomas), in her individual and official capacity, may be served at her place of employment, Bridgeport Correctional Center, 4000 North 10th Street, Bridgeport, Texas, 76426.

IV. Damages/Relief

- 4.1. As a result of the Defendants acts or omissions, I sustained emotional, physical and mental damages, including but not limited to, skin rashing/irritability, nausea, headaches, upset stomach, disingestion, depression, anxiety, legs cramps, knee and joint swelling, among other related damages. I am seeking actual damages, special damages, injunctive relief, declaratory relief, compensatory damages and other damages the court deems appropriate.

V. Jury Trial

- 5.1. I hereby request a Jury Trial under Texas law.

VI. Request for Disclosure

6.1. I hereby request the disclosure of all relevant documents under Texas Rules of Civil Procedure 194, including the names, addresses, telephone numbers of all potential third parties and witnesses to the facts giving rise to this claim. Also, I request all medical records relevant to the claims being made herein and all other records as appropriate to this matter.

VII. Declaration Regarding Exhaustion of Remedies

7.1. I filed Step 1 Grievance for the issues giving rise to this suit on or about March 12, 2023, but I never received a response from the Unit Grievance Investigator at the Bridgeport Unit. I believe officials at the Bridgeport Unit impeded my efforts to address this matter by failing to properly process my grievance according to established procedures and policies, or conspired to cover up the acts or omissions being addressed in this complaint. I have filed another Step 1 Grievance because I believe there was a concerted effort to prevent my use of the administrative grievance procedures. A Step 2 Grievance is currently being processed in Huntsville, Texas.

For these reasons, I ask that this matter be set for trial, and after consideration of the same, that the relief being sought here be in all manner, granted, including any other relief, at law or in equity, to which I am entitled to.

Respectfully Submitted,
Rogelio Regalado

Rogelio Regalado
02315237
Carol Vance / 2 Jester Rd.
Richmond, TX 77406

Declaration

I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Signed and dated on this 15th day of July, 2023.

Rogelio Regalado

(5 of 5)

Loucrecia Biggerstaff
Wise County
District Clerk

Filing Letter/
Request for Citation

(Service of Process)

Re: New Civil Filing

Dear District Clerk:

Enclosed please find the (2) Original Petitions being filed, along with the Application to Proceed Without Prepayment of Costs and Declaration of Previous Filing/Exhaustion of Remedies.

Also, I respectfully request that service of process be issued for the parties, as cited in the petitions.

Thank you for your time and attention.

Please send me a file-stamped copy of these filings for my records. I look forward to hearing from you soon.

Sincerely,

Rogelio Regalado
TDCJ #02315237
Carol Vance Unit
2 Jester Rd.
Richmond, TX
77406

July 11, 2023

Loucrecia Biggerstaff:

Enclosed please find the documents for filing in this case. Can you please forward another Application to Proceed Without Prepayment of Costs? I am anticipating filing another civil case and will be needing the form, as required by your office.

Thank you for your time and Consideration

Respectfully,
~~Rogelio~~ Rogelio Regalado #02315237
TDCS Carol Vance Unit
2 Jester Road
Richmond, TX
77406

Rogelio Regalado # 023/5237

Carol Vance Unit

~~Unit~~ 2 Jester Rd,

Richmond, TX

77406

63.24

Loucrecia Biggerstaff

District Clerk - Wise County

PO Box 308 - (308 West Main Street)

Decatur, Texas

76234

Legal

Mail